

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

FILED

SEP - 2 2011

CLERK, U.S. DISTRICT COURT  
By  Deputy

JERRY DALE BYBEE,

Petitioner,

v.

RICK THALER, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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2:11-CV-0152

**ORDER ADOPTING REPORT AND RECOMMENDATION**  
**and DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS**

Petitioner has filed with this Court a petition for a federal writ of habeas corpus. On August 2, 2011, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the habeas application be dismissed for failure to exhaust state remedies. As of this date, no objections to the Magistrate Judge's Report and Recommendation have been filed of record.

Having made an independent examination of the record in this case, the undersigned United States District Judge is of the opinion the Magistrate Judge's Report and Recommendation should be, and hereby is, ADOPTED. Accordingly, the petition for a writ of habeas corpus is hereby DISMISSED.

IT IS SO ORDERED.

ENTERED this 2<sup>nd</sup> day of September 2011.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE